

**Proposed Trailer Bill Language
for
Purchase of Service Standards**

SEC. 4. Section 4791 is added to the Welfare and Institutions Code, to read:

- a) To standardize services, funding, and administrative practices of regional centers throughout the state, and to increase cost effectiveness and maintain budget growth within sustainable levels, the Director shall adopt regulations prescribing standards for regional centers and planning teams to use when developing consumers' individual program plans and individual family service plans.
- b) Any subsequent amendment(s) to the initial regulations promulgated pursuant to this section shall be transmitted to the appropriate budget and policy committees of the Legislature for review at least 60 days prior to adoption by the director.
- c) Regulations promulgated pursuant to this section shall be deemed an emergency necessary for the immediate preservation of the public peace, health, and safety, or general welfare for purposes of subdivision (b) of Section 11346.1 of the Government Code.
- d) Regulations promulgated pursuant to this section shall include a process whereby the regional center may grant individual exceptions.
- e) Regulations promulgated pursuant to this section shall apply at the time of development, scheduled review, or modification of a consumer's individual program plan developed pursuant to sections 4646 and 4646.5 of the Welfare and Institutions Code, or to an individualized family service plan pursuant to section 95020 of the Government Code, except for activities and items that are prohibited in those regulations, which shall apply to the effective date of the regulations.
- f) Regulations promulgated pursuant to this section shall require the regional center to take into account, when identifying the consumer's service needs, the family's responsibility for providing similar services to a child without disabilities.
- g) Regulations promulgated pursuant to this section may:
 - 1) Establish limits on the scope, amount, duration, and location, of services and supports purchased by regional centers for consumers and their families.
 - 2) Declare that specified activities or items are not services or supports, as defined in section 4512(b) of this division, and shall prohibit regional centers from purchasing them.
- h) Regulations promulgated pursuant to this section shall not:

- 1) Endanger a consumer's health or safety.
 - 2) Result in a consumer's placement in a more restrictive living arrangement than the one in which the consumer currently resides.
- i) A consumer whose services or supports have been denied, modified, reduced or terminated pursuant to this section or the regulations promulgated pursuant to this section shall have a right to a fair hearing as described in Chapter 7, section 4700 et seq., and the regional center shall provide notice pursuant to Chapter 7, section 4700 et seq.
 - j) This section, and the regulations promulgated hereunder, shall become inoperative on July 1, 2007, and, as of January 1, 2008, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2008, deletes or extends the dates on which it becomes inoperative and is repealed. The Legislative Analyst's Office shall assess the affect of any regulations adopted pursuant to this section on regional center consumers and community program costs and present the findings at hearings of the appropriate legislative budget subcommittees annually until 2007-08.

SEC. 5. Section 4434, subd. (d) of the Welfare and Institutions Code is amended to read:

- d) As part of its responsibility to monitor regional centers, the department shall collect and review printed materials issued by the regional centers, including, but not limited to, ~~purchase of service policies and other~~ policies and guidelines utilized by regional centers when determining the services needs of a consumer, instructions and training materials for regional center staff, board meeting agendas and minutes, and general policy and notifications provided to all providers and consumers and families. ~~Within a reasonable period of time, the department shall review new or amended purchase of service policies prior to implementation by the regional center to ensure compliance with statute and regulation.~~ The department shall take appropriate and necessary steps to prevent regional centers from utilizing a policy or guideline that violates any provision of Division 4.5 (commencing with Section 4500) or any regulation adopted thereunder.